

Attorney Dkt No. PHFR010022
Application No. 10/084,755

REMARKS

1. Claims 1-10 are pending and stand finally rejected. This paper amends claims 1 and 10.

Reconsideration of this application is respectfully requested.

2. Claim 1, 3, 5, 6, 8, 9 and 10 stand finally rejected under 35 USC 102(e) as being anticipated by U.S. Patent 6,115,821 to Newby. In support of this rejection, the Examiner argues that the demultiplexer in Newby is a decoder because Newby refers to multiplexer element 22 as an "encoder." In addition, the Examiner argues that the decryptor 51 is the claimed descrambling means and that the decryptor 51 comprises hardware for executing a software routine because Newby states that "access control processor includes a decryptor."

In order to further distinguish claims 1, 3, 5, 6, 8, 9, and 10, independent claim 1 has been amended to recite "...a data signal decoder for decompressing the data signals..." and independent claim 10 has been amended to recite "...decompressing data signals... ."

Newby does not expressly or inherently describe, teach or suggest a system comprising a data signal decoder for decompressing the data signals, as now recited in claim 1 or a method of descrambling and decompressing data signals, as now recited in claim 10.

In addition, Newby does not expressly or inherently describe, teach or suggest "...a conditional access software program for controlling the descrambling of said data signals... intended to be transported to the descrambling means by the enabling signal" as required by claim 1 or "...transferring a conditional access software program, from enabling means intended to receive protected information from a transmitter of data signals, to descrambling means..." as required by claim 10.

Attorney Dkt No. PHFR010022
Application No. 10/084,755

Thus, claims 1 and 10 are clearly allowable over Newby. With respect to claims 3, 5, 6, 8 and 9 which depend upon claim 1 and recite additional features of the invention, applicants believe these claims to be allowable over Newby for at least the same reasons as stated for claim 1.

In view of the foregoing, withdrawal of this rejection is respectfully urged.

3. Claim 2 stands rejected under 35 USC 103(a) as being unpatentable over Newby in view of U.S. Patent 5,029,207 to Gammie.

Claim 2 depends from claim 1 and therefore includes the subject matter recited in claim 1, which is clearly not described in Newby.

The addition of Gammie fails to cure the deficiencies of Newby, as Gammie merely teaches a decoder including a descrambler. Since Newby in view of Gammie fail to teach or suggest all the features of claim 2, the same is allowable thereover.

In view of the foregoing, withdrawal of this rejection is respectfully urged.

4. Claim 4 stands rejected under 35 USC 103(a) as being unpatentable over Newby in view of "Functional Model of a Conditional Access System" EBU Project Group (the EBU document).

Claim 4 depends from claim 1 and therefore includes the subject matter recited in claim 1, which is clearly not described in Newby.

The addition of the EBU document fails to cure the deficiencies of Newby, as the EBU document merely teaches that an output device with a decoder component. Since Newby in view

Attorney Dkt No. PHFR010022
Application No. 10/084,755

of the EBU document fail to teach or suggest all the features of claim 4, the same is allowable thereover.

In view of the foregoing, withdrawal of this rejection is respectfully urged.

5. Claim 7 stands rejected under 35 USC 103(a) as being unpatentable over Newby in view of EP 1168137A1 to Della Valle.

Claim 7 depends from claim 1 and therefore includes the subject matter recited in claim 1, which is clearly not described in Newby.

The addition of Della Valle fails to cure the deficiencies of Newby, as Della Valle merely teaches a detachable smart card reader capable of interacting with a device and a smartcard. Since Newby in view of Della Valle fail to teach or suggest all the features of claim 7, the same is allowable thereover.

In view of the foregoing, withdrawal of this rejection is respectfully urged.

6. Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 1-10 are in condition for allowance. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner is cordially invited to contact applicants' undersigned attorney at his number listed below.

7. The Commissioner is hereby authorized to charge payment of the RCE, any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR

Attorney Dkt No. PHFR010022
Application No. 10/084,755

1.17, which are associated with this communication, or credit any overpayment to Deposit

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Respectfully submitted,



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